### **ATTACHMENT 11**

#### Case 5:14-cv-05344-BLF Document 548-11 Filed 09/26/16 Page 2 of 5 CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

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1
                  UNITED STATES DISTRICT COURT
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                NORTHERN DISTRICT OF CALIFORNIA
                       SAN JOSE DIVISION
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 5
     CISCO SYSTEMS, INC.,
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                   Plaintiff,
                                  ) Case No.
 7
                                  ) 5:14-cv-05344-BLF (PSG)
              vs.
     ARISTA NETWORKS, INC.,
 8
 9
                   Defendant.
10
11
12
13
      *** CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY ***
        VIDEOTAPED DEPOSITION OF JUDITH CHEVALIER, Ph.D.
14
                    San Francisco, California
15
                      Tuesday, July 26, 2016
16
17
                              Volume I
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19
20
21
     Reported by:
22
     CARLA SOARES
     CSR No. 5908
23
24
     Job No. 2346938
25
     Pages 1 - 233
                                                        Page 1
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# Case 5:14-cv-05344-BLF Document 548-11 Filed 09/26/16 Page 3 of 5 CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

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1	And so I did an assessment of the sale	1	BY MR. SILBERT:
2	price and units sold of those apps to demonstrate	2	Q Dr. Chevalier, Exhibit 1568 is a document
3	market demand for features somewhat related or	3	titled "Order Granting In Part And Denying In Part
4	comparable in some ways to the features at issue in	4	Motions To Exclude Certain Expert Opinions."
1	trial.	5	Have you seen this document before?
6	Q And were your conclusions using that	6	•
7	methodology consistent with the conclusions that you	7	
	drew using the product review methodology?		is an order of the Court in the Apple v. Samsung
9	A Yes.	9	
10	Q Did you use any other methodologies in	10	
	that case?	11	Q And would you please look at page 7?
12	A Yes. Let me see. Yes.	12	
13	So I did have some data on sales and		"Fourth, Dr. Chevalier allocates Samsung's average
	profitability of products with and without the	_	operating profits of the accused smartphones and
	features, so the features were not practiced in all		tablets to various identified smartphone and tablet
	of the products.		features using the number of times those features
17	So I used some information about products	_	have been mentioned in professional and consumer
	with and without the features to assess the		reviews."
		19	
20	profitability attributable to the features.	20	<del></del>
	Q And were your conclusions using that	21	
	methodology consistent with your conclusions from		
	the product review methodology?	22	
23	A To a first approximation, yes.	23	
24	Q What do you mean when you say "to a first	24	, ,
25	approximation"?	25	Actually, why don't we first look at Page 28
	Page 26		rage 26
1	A So what I mean by that is, the numbers all	1	page 18.
2	delivered that the numbers were all well, to a	2	At the top of this page, the Court wrote,
3	first approximation means, at least, but I think	3	"The Court agrees with Apple that Dr. Chevalier's
4	more than, they all delivered damages closer to	4	mass grouping and statistical analysis of these
5	\$38.4 million than \$2.1 billion, but they all	5	agreements is fundamentally flawed because it treats
6	delivered they all gave damages within, let's	6	all the agreements the same regardless of whether
7	say, a four-cent-per-patent-per-feature to a	7	any of the licensed technology has any relationship
8	30-cent-per-patent-per-feature damage estimate.	8	to the patents in suit."
9	Q Okay. Did you use other methodologies?	9	Do you see that?
10	A I did, but let me think for a second.	10	A Yes.
11	Which ones did I cover?	11	Q Do you disagree with that criticism?
12	I believe I did, but I'm not sure if I can	12	A The criticism that my mass grouping and
	recollect them all.		statistical analysis of these agreements is
14			fundamentally flawed? Yes, I disagree with that.
	case concluded that some of your opinions were	15	Q Okay. Could you turn back for I'm
1	insufficiently reliable to be presented to the jury;		sorry to jump around. Would you turn back to
	is that correct?		page 14?
18		18	I'm looking at the paragraph that takes up
19	•		about the first half of that page.
1	about methods, I assume you meant the methods I	$\begin{vmatrix} 1 \\ 20 \end{vmatrix}$	Starting at line 10, it says,
21	testified to at trial.		"Dr. Chevalier has failed to appropriately adjust
22			the running royalty found in the HTC agreement to
23	•		reach a proposed lump-sum royalty in a manner that
24	`		accounts for the different economic circumstances at
	///		
23	/// Page 27	23	play here." Page 29
	1 agc 27		
			9 (Dagga 26 20)

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1 Do you see that? 1 determination about what goes into the case. So 2 A Yes. 2 "unfair" I think is -- I wouldn't say it's unfair. 3 I would say that my -- I think my Q And there's some more sentences, some of 4 which are redacted because this is a publicly filed 4 treatment of the licenses was economically 5 appropriate. Q Looking now at page 20, at the bottom of But in the end, the Court concludes that 7 various things that are described "all render her 7 the page, the Court wrote, "Without some attempt to 8 opinions related to the HTC agreement insufficiently 8 address the technological differences and 9 reliable to allow Samsung to prevent such testimony 9 similarities of the agreements in the record, 10 at trial." 10 Dr. Chevalier's use of some of those agreements and 11 disregard of others to calculate her lump-sum amount 11 Do you see that? 12 A Yes. 12 is unreliable, irrelevant, and unhelpful to the 13 jury's task of evaluating the result of the 13 Q I take it you disagree with that 14 conclusion as well. 14 hypothetical negotiation." A Well, I disagree with the premise that I 15 Do you see that? 15 16 failed to account for these certain things. It's up 16 A I do. 17 to the judge to decide whether things should be 17 Q Do you think that's a fair criticism? 18 presented at trial. 18 A Again, I think it's the judge's expertise 19 Q Okay. If you could go back to page 18 19 to decide the question about the jury's task. I 20 now. We looked at the top of the page, but I want 20 believe my treatment of the licenses was 21 to direct your attention to the sentence that begins 21 economically appropriate. 22 at the very end of the page, sort of the second half 22 Q Just to be clear, the methodology that you 23 described earlier that I was referring to as the 23 of line 28, and goes on to page 19. 24 product review methodology -- do you recall that? It says, "The Court has concluded that 25 Dr. Chevalier has improperly lumped together" --25 A Yes. Page 30 Page 32 1 blank -- "licenses," -- the number is redacted --Q -- your opinions on that methodology were 2 "many of which involve" -- blank, again, there's a 2 not excluded by the Court, right? 3 redaction there that we can't see -- "without any 3 A Correct. 4 regard to whether the licensed technology relates at 4 Q Those you presented to the jury? 5 A Correct. The ones I described to you were 5 all to smartphones and tablets, and more 6 specifically, the ease-of-use technology that Apple 6 all ones that I presented to the jury. 7 would seek to license in the hypothetical Q Okay. 8 negotiation." 8 A And by the way, by looking at this, I now Then it goes on, "The result is that 9 remembered one of the others. 10 Dr. Chevalier has unreliably considered many of 10 Q What is it? 11 these licenses in a way that significantly adjusts 11 A So I also looked at design-around costs. 12 downward the reasonable royalty without any factual Q And that was related to patent 12 13 findings that account for the technological 13 infringement, correct? 14 differences between those licenses and the patents 14 A Correct. 15 in suit." 15 Q I promise you we'll talk about that later. And there's a case citation from which 16 16 17 some of that sentence is quoted. 17 Q What was the law firm that you worked with 18 Do you see that? 18 in the Apple v. Samsung case? 19 A Yes. 19 A Quinn Emanuel. 20 Q Do you agree with that criticism? 20 Q Okay. You earned a BA in economics in 21 A No, I don't agree with that criticism. 21 1989? Q You don't think that's a fair criticism of 22 22 A Correct. 23 your opinions in that case? 23 Q And you earned your Ph.D. in economics in A I wouldn't say it's unfair. 24 1993? 24 25 Again, the judge has to make a 25 A Is that a question? Page 31 Page 33

# Case 5:14-cv-05344-BLF Document 548-11 Filed 09/26/16 Page 5 of 5 CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

1 A I actually don't know the answer to that. 2 Q Do you know approximately the answer? 3 A I actually don't. 4 Q Do you know if it's more than \$500,000, but I 6 haven't actually I actually don't know. 7 Q Do you know if it's more than a million 8 dollars? 9 A I don't know for a fact. I really don't 10 know. 11 Q Do you have a belief? 12 A I really don't know. 13 MR. SILBERT: Osay. I know we just took a 14 break, but if it's okay, can we take a quick break 15 again? And hopefully we can be done very quickly. 16 THE WITNESS: Osay. 17 THE VIDEO OPERATOR: Going off the record, 18 the time is 4:54 p.m. 19 (Recess, 4:59 p.m. + 4:54 p.m.) 10 THE VIDEO OPERATOR: Back on the record. 21 The time is 4:54 p.m. 22 MR. SILBERT: Dr. Chevalier, thank you for 23 your time. I have no further questions for you. 24 I do want to designate this transcript as 25 outside counsel only. 27 Outside counsel only. 38 (TIME NOTED: 4:55 p.m.) 49 ——000— 40 THE VIDEO OPERATOR: This concludes 51 today's videotaped deposition of Dr. Judith 6 Chevalier. We're off the record at 4:55 p.m. 7 you. 7 Intelly IDEO OPERATOR: This concludes 5 today's videotaped deposition of Dr. Judith 6 Chevalier. We're off the record at 4:55 p.m. 7 you. 8 (TIME NOTED: 4:55 p.m.) 9 ——000— 10 THE VIDEO OPERATOR: This concludes 11 That the foregoing proceedings were taken 12 the time is designated this transcript as 13 Case, before completion of the proceedings, review and the foregoing proceedings were taken 14 the time and place herein ast forth; 15 that my winesses in the foregoing proceedings were taken 16 the critical proceedings were taken 17 of any attorney or any party to this action. 18 I Further, that if the foregoing precedings, review of the transcript [x] was [1] was not requested. 15 I further certify I am neither financially interested in the action on a relative or employee of any party to this action. 18 I with the foregoing proceedings, review of the transcript [x] was [1] was not requested. 19 O anted: 07/28/2016 21 Case Ackers of the testinon or a		
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